

### **Remarks**

This amendment is in reply to the Official Action dated January 3, 2006. It is believed that this Amendment places the present application in condition for allowance. Reconsideration and an early allowance are requested.

By the present Amendment, independent claim 30 has been amended to recite that the inventive composition must comprise a perfume comprising perfume ingredients having a ClogP of more than about 3.5. This teaching is found in the present specification, for example, the second sentence of paragraph 84, and the last sentence of paragraph 85 on page 8. Finally, claim 30 has been amended to restore the recitation of a class I aldehyde, as the presence or absence of this element alone is not considered by Applicants to be critical to the suitability of the inventive compositions for their intended purpose.

Claims 3-18 and 30-33 remain pending and subject to examination. Reconsideration is respectfully requested.

### **35 U.S.C. § 103(a)**

**Claims 3-5, 11, 15-18 and 30-33** are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,714,137 to Trinh et al. (Trinh), in view of U.S. Patent No. 5,676,163 to Behan et al. (Behan), and U.S. Patent 5,861,371 to Wilsch-Irrgang et al. (W-I). Specifically, the Examiner asserts that Trinh discloses aqueous, odor absorbing compositions for use on inanimate surfaces, the compositions comprising about 0.1% to about 5% by weight of solubilized, uncomplexed cyclodextrin (CD) and essentially free of any material which would stain or soil fabric, with a pH greater than about 3. The Examiner further asserts that suitable CD

are disclosed, and that "cavities should remain uncomplexed," stating that "this can be accomplished through the use of aqueous solvents and appropriate choice of perfume materials." The Examiner asserts that perfume is present up to about 0.5% and that the reference teaches a preferred embodiment wherein about 75% of the perfume ingredients should have a Clog P of about 3 or smaller, and that anisaldehyde is among the materials taught as "most preferable perfume materials." The Examiner teaches that "materials with a Clog P of this magnitude are relatively hydrophobic, having a thousand-fold preference for octanol over water." The Examiner further asserts that the reference teaches various other claimed limitations as well, but states that the reference does not specifically disclose use of a class I or class II aldehyde in the recited amounts, or use of an odor blocker in the recited amounts.

With respect to the secondary references, the Examiner asserts that Behan teaches that anisaldehyde is a class 1 aldehyde, and W-I teaches that terpenes, including alpha-terpineol, are useful deodorizers in cleaning compositions. The Examiner also asserts that the "odor blockers and class I and class II aldehydes contemplated for use in these compositions are those disclosed in the cited secondary references." The Examiner concludes that the combination would have been obvious because the references teach that "all of the ingredients recited by applicants are suitable for inclusion in an odor absorbing composition. This rejection is traversed and reconsideration is respectfully requested.

Instant independent claim 30 (from which the other rejected claims depend) is directed to an odor-absorbing or neutralizing concentrated composition useable as an additive in one or more steps of a laundry process. The composition comprises: solubilized, uncomplexed cyclodextrin; from about 0.0005 to about 1 weight percent of an effective amount of odor blocker; and from about 0.01 to about 1 weight percent of an effective amount of a class I and/or

class II aldehyde; and a perfume comprised of perfume ingredients having a ClogP of more than about 3.5. The composition contains at least enough cyclodextrin to provide significant reduction in malodor that survives a typical laundry wash, having a pH of more than about 3, and is suitable for use as an additive in pre-treating, washing, and/or rinsing of fabrics. The composition is packaged in association with instructions to use it in at least an effective amount in at least one step in a laundry process to counteract malodors that remain after said laundry process.

Significantly, the presently inventive composition comprises both uncomplexed cyclodextrin and perfume ingredients that are either hydrophobic or hydrophilic with a relatively high logP. In order to achieve this without typing up the cyclodextrin molecules, which have hydrophobic cavities attractive to such perfume ingredients, the perfume ingredient is added in the form of an emulsion/dispersion (see, e.g. instant specification, page 8, paragraph 85, page 10, paragraph 96).

Trinh, on the other hand, is directed to uncomplexed CD solutions for odor control on inanimate objects comprising CD and, inter alia, hydrophilic perfume ingredients. Trinh specifically teaches away from perfume ingredients having ClogP's greater than about 3, and, importantly defines "the invention" in this respect to this limitation, and not merely an embodiment thereof. (See column 15, lines 37-38: "Thus the perfume ingredients of this invention have logP of about 3 or smaller.") Trinh provides examples of such perfume ingredients (e.g. column 15, lines 60-61). Trinh fails to teach or suggest the addition of the perfume ingredient as an emulsion/dispersion, and is therefore limited to the inclusion of perfume ingredients having ClogP's which correlate with hydrophilic character. Applicants draw attention, in particular, to the Trinh teachings at column 11, lines 45-65, which discloses that

Trinh uses a ratio of concentration mechanism to insure suitable availability of uncomplexed cyclodextrin, rather than separation of the phase prior to addition. Hence, this is a difference with an important functional distinction.

The focus of the malodor control of the present invention is odor that lingers beyond the laundering step, that is, those that survive "washing" (e.g. column 1, paragraph 3). In this instance, there is a need for compositions which provide longer-lasting odor control capability, necessitating the inclusion of at least partially hydrophobic perfumes. Trinh, on the other hand, seeks immediate control of odor and therefore is unconcerned with how to maintain hydrophobic perfumes in the composition, as hydrophilic perfumes are suitably and easily employed. Even when Trinh discloses embodiments desiring "more intense" perfume effects, Trinh merely cautions against providing perfume ingredients in too high a ratio such that an ineffective level of CD remains (column 11, lines 45-65).

The secondary references do not cure the deficiency in Trinh with respect to the requisite perfume ingredient. The Examiner relies on Behan for its disclosure that various compounds disclosed in Trinh are either class I or class II aldehydes. Behan is directed to processes and compositions for control of smoke malodors in contained public spaces, and does not teach or suggest compositions comprising cyclodextrins, and therefore does not address the formulation considerations unique thereto.

The inventive aspect of Behan is the discovery and disclosure of perfumes that have particular efficacy with respect to tobacco smoke, and most particularly with respect to "nitrogenous smoke components," whether the smoke is air borne or deposited on surfaces or fabrics. Behan does not address control of post-laundering retained odors. Hence, Applicants

submit that the teachings of Behan are not only deficient with respect to disclosure of the presently requisite elements, but are inapposite on the whole to the present invention.

The other secondary reference, W-I, is directed to compositions for after-treatment of laundry comprising quaternium ammonium compounds, and, optionally terpene compounds. W-I fails to teach or suggest compositions comprising either cyclodextrins or perfumes, and therefore does not disclose interactions between these composition components, or formulation means for addressing or controlling them, as presently disclosed.

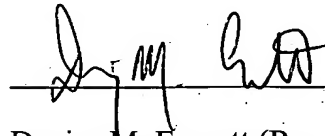
To establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Trinh fails to disclose compositions comprising both uncomplexed cyclodextrin and perfume ingredients having ClogP more than about 3.5. Indeed, Trinh explicitly limits the inventive compositions to those containing perfume ingredients having ClogP less than about 3. Trinh controls the complexation issue using ratios, rather than the presently disclosed physical separation of the CD and perfume components via employment of emulsion/dispersion technology with respect to the perfume. The secondary references, Behan and W-I, fail to address or cure these deficiencies. Hence, instant independent claim 30 is nonobvious and patently distinguishable over Trinh, in view of Behan and W-I.

Dependent claims are nonobvious under §103 if the independent claims from which they depend are nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988). Hence, the rejection under 35 U.S.C. § 103 of independent claim 30, and claims 3-5, 11, 15-18 and 31-33, dependent therefrom, has been overcome. Reconsideration is respectfully requested.

It is believed that the above is a complete and comprehensive response to the rejections under 35 U.S.C. § 103 as asserted in the January 3, 2006 Office Action.

Reconsideration and an early allowance are therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Denise M. Everett", is written over a horizontal line.

Denise M. Everett (Reg. No. 47,552)  
DINSMORE & SHOHL LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8787